

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****August 15, 2006****3:30 P.M. SCHEDULED SESSION****3:56 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Tom Marshall, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell
Myron Lowery was absent

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Councilman Rickey Peete . Councilman Marshall presented Councilman Peete with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

30. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON WESLEY DRIVE, BETWEEN PACE ROAD AND FARONIA ROAD, CONTAINING 1.139 ACRES.**
(Held from 11/01; 1/17; 2/7; 3/7; 4/25)

Case No. SAC 05-610

Held to February 20, 2007

34. **RESOLUTION INSTRUCTING THE INDUSTRIAL DEVELOPMENT BOARD TO IMMEDIATELY AMEND THEIR CHARTER OF INCORPORATION WITH THE STATE OF TENNESSEE TO REQUIRE APPROVAL FROM THE MEMPHIS CITY COUNCIL BEFORE GRANTING ANY PAYMENTS IN LIEU OF TAXES, EFFECTIVE SEPTEMBER 1, 2006.** (Held from 5/16; 6/6;6/20;8/1).

Held to September 19, 2006

35. **RESOLUTION INSTRUCTING THE MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION TO IMMEDIATELY AMEND THEIR CHARTER OF INCORPORATION WITH THE STATE OF TENNESSEE TO REQUIRE APPROVAL FROM THE MEMPHIS CITY COUNCIL BEFORE GRANTING ANY PAYMENTS IN LIEU OF TAXES, EFFECTIVE SEPTEMBER 1, 2006.** (Held from 5/16;6/6;6/20;8/1).

Held to September 19, 2006

36. **RESOLUTION AMENDING THE INCORPORATION RESOLUTION OF THE HEALTH, EDUCATION AND HOUSING FACILITIES BOARD.** (Held from 5/16;6/6;6/20;8/1).

Held to September 19, 2006

CONSENT AGENDA – Items 1-6 & 37-40 may be acted upon by one motion. SEE PAGE 1976 FOR ROLL CALL

1. **ORDINANCE REZONING THE NORTHWEST CORNER OF WINCHESTER ROAD AND AVENUE OF COMMERCE, CONTAINING 13.06 ACRES IN THE LIGHT INDUSTRIAL (I-L) & SINGLE FAMILY RESIDENTIAL (R-S15) DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5181
Case No. Z 06-111

APPROVED, on Second reading

2. **RESOLUTION APPROVING FINAL PLAT OF FERRELL PD, PHASE 3.**

Case No. PD 04-328
Contract No. CR-5027

Resolution approves the final plat located on the south side of Highway 70, southwest of Elmore Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

3. **RESOLUTION APPROVING FINAL PLAT OF TERRACE PLACE SUBDIVISION, SECTION A.**

Case No. S 05-072
Contract No. CR-5028

Resolution approves the final plat located at the terminus of Mountain Terrace and Terrace Park. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

4. **RESOLUTION ACCEPTING KATE BOND PLANNED DEVELOPMENT, AMENDED, PHASE 2, AREA A, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-380
(Contract No. CR-4980)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Kate Bond Road south of Bland Lane. The standard improvement contract was approved on October 11, 2005. Resolution also authorizes the release of the Letter of Credit (No.L061279) in the amount of \$39,800.00.

City Engineer recommends approval

APPROVED

5. **NOTATION FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. S 06-027 – Coro Vista Subdivision

Public Hearing set for September 5, 2006

6. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET SEPTEMBER 1, 2006 AT 6:00 A.M. UNTIL SEPTEMBER 3, 2006 NOON, FOR THE “WLOK STONE SOUL PICNIC”.**

APPROVED

37. **RESOLUTION ACCEPTING BARTLETT COMMERCIAL CENTER SUBDIVISION,
AND AUTHORIZING RELEASE OF BOND.**

Case No. S 01-033
(Contract No. CR-4715)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast side of Summer Avenue, 562.26 feet southwest of Elmore Road. The standard improvement contract was approved on April 16, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$52,000.00.

City Engineer recommends approval

APPROVED

38. **RESOLUTION APPROVING CONTRACT TIME EXTENSION FOR FLETCHER
CREEK CENTER CP.**

Case No. Z 88-154

Resolution approves the extension of time from February 3, 2004 to August 15, 2007 for the project called Fletcher Creek Center, located on the south side of U.S. Highway 64, 234 feet east of Dromedary Drive.

City Engineer recommends approval

APPROVED

39. **RESOLUTION APPROVING ENGINEERING PLANS OF CEDAR CREEK PD,
SANITARY SEWER EXTENSION.**

Contract No. CR-5029

Resolution approves the engineering plans located on the south side of Latting Road, 2,476’ east of Pisgah Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

APPROVED

40. **RESOLUTION APPROVING FINAL PLAT OF OAKLAWN ESTATES P.D. – PHASE 1
(AREA ‘B’ AND PART OF AREA ‘A’).**

Case No. PD 04-315cc
Contract No. CR-5030

Resolution approves the final plat located on the north side of Latting Woods Drive at west of Latting Hills Cove. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Sammons
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete,
 Sammons, and Chairman Mitchell
 Taylor did not cast a vote
 Lowery was absent

APPROVED

MLGW FISCAL CONSENT – Items 7-20 may be acted upon by one motion

7. **RESOLUTION AWARDING CONTRACT NO. 11131, TRANSMISSION LINE CONSTRUCTION SUB. 79 – SUB. 8 6: SECTIONS A AND B, TO DILLARD SMITH CONSTRUCTION COMPANY, IN THE FUNDED AMOUNT OF \$2,298,201.79. (Held from 8/1)**

APPROVED

8. **RESOLUTION AWARDING CONTRACT NO. 11130, FILTER MEDIA REPLACEMENT FOR MCCORD & ARLINGTON LNG PUMPING STATIONS, TO GRINDER BUILDING CORPORATION, IN THE FUNDED AMOUNT OF \$212,600.00.**

APPROVED

9. **RESOLUTION AWARDING CONTRACT NO. 11147, SELF-SUPPORTED MICROWAVE TOWERS, TO SABRE COMMUNICATIONS CORPORATION, IN THE FUNDED AMOUNT OF \$250,375.00.**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10878, INFORMATION SUPPORT SERVICES, WITH KC MANAGEMENT GROUP, IN AN ESTIMATED FUNDED AMOUNT OF \$460,000.00. (THIS RENEWS THE CONTRACT FOR A FOURTH AND FINAL TERM COVERING THE PERIOD OCTOBER 4, 2006 TO OCTOBER 4, 2007.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10879, INFORMATION SERVICES SUPPORT, WITH COMPUTER HORIZONS CORPORATION, IN AN ESTIMATED FUNDED AMOUNT OF \$490,000.00. (THIS RENEWS THE CONTRACT FOR A FOURTH AND FINAL TERM COVERING THE PERIOD OCTOBER 4, 2006 TO OCTOBER 4, 2007.)**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10881, INFORMATION SUPPORT SERVICES, WITH COOK SYSTEMS INTERNATIONAL CORPORATION, IN AN ESTIMATED FUNDED AMOUNT OF \$525,360.00. (THIS RENEWS THE CONTRACT FOR A FOURTH AND FINAL TERM COVERING THE PERIOD OCTOBER 4, 2006 TO OCTOBER 4, 2007.)**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10883, INFORMATION SUPPORT SERVICES, WITH CIBER, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$734,400.00. (THIS RENEWS THE CONTRACT FOR A FOURTH AND FINAL TERM COVERING THE PERIOD OCTOBER 4, 2006 TO OCTOBER 4, 2007.)**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11141, INFORMATION SERVICES SUPPORT, WITH VIASYS TECHNOLOGY, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$505,600.00. (THIS RENEWS THE CONTRACT FOR A FIRST AND FINAL TERM COVERING THE PERIOD OCTOBER 4, 2006 TO OCTOBER 4, 2007.)**

APPROVED

15. **RESOLUTION AWARDING CONTRACT FOR LOW PROFILE POLYCARBONATE METER COVERS TO VINCENT SALES IN THE AMOUNT OF \$33,000.00.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT FOR PAPER-LEAD CABLE TO THE OKONITE COMPANY IN THE AMOUNT OF \$63,864.00.**

APPROVED

17. **RESOLUTION AWARDING CONTRACT FOR UTILITY BODIES AS FOLLOWS:**

Altec Industries, Inc.....	\$ 63,704.00
Scruggs Equipment Company, Inc.....	<u>109,378.00</u>
Total.....	\$173,082.00

APPROVED

18. **RESOLUTION AWARDING CONTRACT FOR TRUCK MOUNTED HYDRAULIC WINCHES TO SCRUGGS EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$95,984.00.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT FOR SUBSTATION POWER TRANSFORMERS AS FOLLOWS:**

Waukesha Electric Systems.....	\$ 11,538,857.00
Siemens Power Transformers.....	<u>13,080,976.00</u>
Total.....	\$ 24,619,833.00

APPROVED

20. **RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN MLGW AND THE MEMPHIS REGIONAL CHAMBER OF COMMERCE TO PROVIDE FUNDS IN THE AMOUNT OF \$175,000.00 FOR THE PURPOSE OF FACILITATING ECONOMIC DEVELOPMENT IN MEMPHIS AND SHELBY COUNTY.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Brown – Divide the question on Item #7
SECOND: Brittenum
AYES: Brittenum, Brown, Holt and Peete
NAYS: Chumney, Marshall, McCormick, Sammons and Chairman Mitchell
 Ford, Jones and Taylor did not cast a vote
 Lowery was absent

FAILED

MAIN MOTION: Holt
SECOND: Ford
AYES: Brittenum, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, Sammons,
 Taylor and Chairman Mitchell
NAYS: Brown
 Lowery was absent

APPROVED

21. **APPOINTMENTS**

Memphis City Beautiful Commission

Appointments

Sutton Mora Hayes
Virginia White

Reappointment

Wade Chillis

MOTION: Marshall
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete,
 Sammons, Taylor and Chairman Mitchell
 Lowery was absent

APPROVED

22. **REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF
MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS IT
RELATES TO ESTABLISHING AN AUDIT COMMITTEE TO REQUEST, RECEIVE,
REVIEW, ANALYZE AND EVALUATE INVESTIGATIONS, EXAMINATIONS,
REPORTS AND/OR AUDITS, AND AS AMENDED PURSUANT TO THE PROVISIONS
OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF
TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408
AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE
QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL
STATE ELECTION TO BE HELD ON NOVEMBER 7, 2006, UP FOR T H I R D AND
F I N A L READING.**

Ordinance No. 5180

Held to September 5, 2006

23. **RESOLUTION EXTENDING THE \$2.00 TAX FUEL SURCHARGE FOR 6 MONTHS.**

MOTION: Chumney
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, Sammons,
 Taylor and Chairman Mitchell
 Brown did not cast a vote
 Lowery was absent

APPROVED

24. **RESOLUTION AMENDING THE FY 2007 OPERATING BUDGET BY
APPROPRIATING \$739,342.00 IN FUNDING THE DEVELOPMENT AND
COMPLETION OF THE CITY OF MEMPHIS EFFICIENCY STUDY.**

MOTION: Sammons
SECOND: Marshall
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete,
 Sammons, Taylor and Chairman Mitchell
 Lowery was absent

APPROVED

25. **RESOLUTION ACCEPTING AND APPROVING AN ALLOCATION OF \$739,342.00
FROM THE MEMPHIS BUSINESS OPPORTUNITY FUND TO THE CITY OF
MEMPHIS' HCD.**

MOTION: Holt
SECOND: Ford
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, McCormick, Peete, Sammons,
Taylor and Chairman Mitchell
Marshall did not cast a vote
Lowery was absent

APPROVED

41. **RESOLUTION THANKING CHRIS COPE FOR HIS COURAGEOUS REACTION AND PROTECTING RESIDENTS WHO WERE IN DANGER AND FOR STOPING A VIOLENT SITUATION ON JULY 21, 2006 AT SCHNUCKS GROCERY STORE ON HIGHWAY 64.**

MOTION: Jones
SECOND: Sammons

APPROVED, by unanimous voice vote

26. **ORDINANCE REZONING THE SOUTH SIDE OF E. RAINES ROAD; +/-404 FEET WEST OF ELVIS PRESLEY BOULEVARD, CONTAINING 0.48 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5178
Case No. Z 06-112

Applicant: Lizzie B. Milan

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, of Local Commercial (C-L) District

MOTION: Peete
SECOND: Holt
AYES: Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brittenum and Brown did not cast a vote
Lowery was absent

APPROVED

27. **ORDINANCE REZONING THE SOUTHEAST CORNER OF MCKELLAR AVENUE AND HERNANDO ROAD, CONTAINING 0.17 ACRE IN THE HEAVY INDUSTRIAL (I-H) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5179
Case No. Z 06-113

Applicant: CEBU Investments, LLC

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL, of a Single Family Residential (R-S6) District

MOTION: Peete
SECOND: Marshall
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, and Chairman Mitchell
Sammons and Taylor did not cast a vote
Lowery was absent

APPROVED

28. **RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN MEMPHIS AND SHELBY COUNTY GOVERNMENT AND THE MEMPHIS REGIONAL CHAMBER OF COMMERCE FOR THE PURPOSE OF FACILITATING ECONOMIC DEVELOPMENT IN MEMPHIS AND SHELBY COUNTY.**

MOTION: Brittenum
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, Sammons and Chairman Mitchell
Taylor did not cast a vote
Lowery was absent

APPROVED

29. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF PARK AVENUE AND KELLEY ROAD, CONTAINING 0.23 ACRE (9,583 SQ. FT.), IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 06-208

Applicant: Chumps, LLC
Solomito Land Planning – Representative

Request: Special use permit to allow automatic service, including associated retail sales for oil, tires and batteries

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Ford
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, Sammons and Chairman Mitchell
Taylor did not cast a vote
Lowery was absent

APPROVED

ALL SUMMER YOUTH STUDENTS ATTENDED THIS COUNCIL MEETING. THEIR ADVISORS THANKED THE COUNCIL

31. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF WHITE STATION ROAD; +215.07 FEET SOUTH OF WHEELIS DRIVE, CONTAINING 1.56 ACRES AND IS GOVERNED BY THE CONDITIONS OF P.D. 02-327 – WHITE STATION OFFICE PARK PLANNED DEVELOPMENT.**

Case No. PD 06-317

Chairman Mitchell recognized the following persons from the audience:

Carolyn Howard, 693 Magnolia Manor, Mphs, TN 38117
Laura Seidell, 5237 Cosgrove Cove, Mphs, TN 38117
Arlene Southern, 5230 Cosgrove Cove, Mphs, TN 38117

Applicant: Memphis Area Teachers Credit Union
S R Consulting – Cindy Reaves – Representative

Request: Amend the existing P.D. conditions to permit a bank with a drive-thru service and an ATM

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Peete
 SECOND: Brown
 AYES: Brittenum, Brown, Ford, Holt, Jones, McCormick, Peete, Taylor and
 Chairman Mitchell
 NAYS: Chumney, Marshall and Sammons
 Lowery was absent

APPROVED, as amended in Committee

32. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE
 NORTHEAST CORNER OF KIRBY-WHITTEN PARKWAY AND REESE ROAD,
 CONTAINING 4.23 ACRES IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. PD 06-325

Applicant: Double A Oil Company
 Prime Development Group - Representative

Request: Planned development to allow a convenience store/gasoline sales, including retail
 shops within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
 SECOND: Brown
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete,
 Sammons, Taylor and Chairman Mitchell
 Lowery was absent

APPROVED

33. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTHEAST
 CORNER OF GOODLETT STREET AND POPLAR AVENUE, CONTAINING 1.30
 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. UV 06-08

Applicant: Second Presbyterian Church
 Ronald Harkavy – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
 SECOND: Brown
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete,
 Sammons, Taylor and Chairman Mitchell
 Lowery was absent

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of August 1, 2006 with the following motion:

MOTION: Holt
 SECOND: McCormick
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Marshall, McCormick, Peete,
 Sammons, Taylor and Chairman Mitchell
 Jones did not cast a vote
 Lowery was absent

APPROVED

MOTION: Chumney – Suspend the Rules for the purpose of adding Item #42
SECOND: Sammons

APPROVED, Rules Suspended, by unanimous voice vote

42. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET FOR MEMPHIS MUSIC AND HERITAGE FESTIVAL AT MAIN STREET BETWEEN PEABODY AND GAYOSO AT THE CORNER OF PEABODY PLACE AND MAIN STREET AT THE TOWER GARAGE BUILDING NEAR THE ALLEY CONNECTING MAIN STREET AND SECOND STREET.**

MOTION: Chumney
SECOND: Holt

APPROVED, by unanimous voice vote

For the purpose of approving the Minutes on #42 and #6 from August 15, 2006, set up as Special Item #2

ACTION TAKEN ON THE MINUTES OF AUGUST 15, 2006 FOR ITEM #42 AND #6 ONLY:

MOTION: Chumney
SECOND: Holt

APPROVED, by unanimous voice vote, Special Item #2

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Mitchell recognized the following person from the audience:

Cedric Britt, 1666 Echles, Mphs, TN 38111
Minister Suhkara Yahweh, 796 Saxon, Mphs, TN 38126

ADJOURNED MEETING AT 5:56 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

CHAIRMAN

Deputy Comptroller/Council Records